

20 September 2021

To Whom It May Concern:

No 11 Simblist Road PORT BOTANY – Tyne Container Services Pty Ltd

Proposed Modification of Development consent DA-42-10-2007-i (MOD 1)

We act on behalf of Tyne Containers Pty Ltd (our “**client**”) who are the Lessors of property No 11 Simblist Road Port Botany. Our client’s property is located immediately adjacent to the site your operations are being conducted upon.

Key Urban Planning have been engaged to assist Tyne Container Services in gaining approval to permit an increase in container stacking height within the established container park at Lot 101 in DP 1182871 No. 11 Simblist Road, PORT BOTANY (the “**site**”).

In summary, on 6 November 2020, State Environmental Planning Policy (Three Ports) Amendment (Shipping Containers) 2020 was gazetted. The amendment inserted a new clause 29A in schedule 1 that states (in part):

“29A Shipping container storage and stacking

(1) The storage and stacking of shipping containers on land shown edged in red and identified as “Port Botany Lease Area” on the Lease Area Map.

(2) The shipping containers must—

(a) not be stored or stacked at a height of more than—

(i) if the shipping containers are empty—7 shipping containers, or

(ii) in any other case—5 shipping containers, and

(b) not contain dangerous goods, and

(c) be located on the site so that surface water run-off drains to a stormwater drainage system or to a landscaped area.”

Subclause 29A(6) imposed a ‘sunset provision’ repealing the stacking height variation 6 months after the commencement of the amendment. That period has now been extended to November this year. Our client seeks to modify the terms and conditions of the current development consent to permit the continued stacking of containers to the heights currently permitted under the SEPP amendment with container stacking heights as follows:

- if the shipping containers are empty—7 shipping containers, or
- in any other case—5 shipping containers

The operator has prepared and implemented a “*container stacking management plan*” as required under clause 29A (3) of the SEPP amendment.

The Minister for Planning, Industry and Environment (DPIE) is the ‘consent authority’ for the modification being sought. We have been requested by DPIE to notify you of the submission of the modification application. A copy of the Statement of Modification and Environmental Effects is attached for your information. Any submission should be provided in writing to the undersigned within fourteen (14) days from the date of this letter to enable submissions to be forwarded to DPIE for consideration.

Yours faithfully,

Peter Fryar

BTP(UNSW), CERT T&CP(Ord4), MPIA



Director,

KEY URBAN PLANNING

Cc'd

- Quenos
- Vopak
- Quantem Bulk Liquid and storage Handling
- Tyne Container Services
- Department of Planning, Industry & Environment
- NSW Ports